

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANDRE LAMONT CROMWELL,	)	
	)	
Plaintiff,	)	Civil Action No. 21 – 175
	)	
v.	)	District Judge Joy Flowers Conti
	)	Magistrate Judge Lisa Pupo Lenihan
	)	
JOSEPH FICHTER, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ORDER**

**AND NOW**, this 8th day of April, 2021, in accordance with the opinion;

**IT IS HEREBY ORDERED** that Plaintiff’s “Motion for Leave to Proceed *in forma pauperis* Because Plaintiff was in Imminent Danger of Serious Physical Injury at the Time he Filed the Complaint” (ECF No. 7) is construed as timely objections to the Report and Recommendation.

**IT IS FURTHER ORDERED** that the objection with respect to the “three-strikes rule” is TAKEN UNDER ADVISEMENT, and the matter is remanded to the magistrate judge for further proceedings in accordance with the accompanying opinion and the Third Circuit Court of Appeals’ decision in *Talley v. Wetzel*, No. 19-3055.

By the Court:

s/ Joy Flowers Conti  
Joy Flowers Conti  
Senior United States District Judge

Cc: Andre Lamont Cromwell  
LL4349  
SCI Fayette  
50 Overlook Drive  
LaBelle, PA 15450